

Message Text

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ACTION OES-09

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-13
L-03 NSAE-00 EB-08 NRC-05 SOE-02 DODE-00 DOE-15
SS-15 SP-02 CEQ-01 NSCE-00 SSO-00 INRE-00 PM-05
/113 W

-----118481 201559Z /45

O R 201532Z JUL 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC IMMEDIATE 5059
INFO ALL EC CAPITALS IMMEDIATE
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 22869

VIENNA FOR USIAEA; BRUSSELS ALSO FOR USEEC

E.O. 11652: GDS
TAGS: TECH, ENRG, EEC, IAEA
SUBJECT: PHYSICAL SECURITY ASSURANCES AND NNPA

REF: BRUSSELS 14108

1. IN CONSIDERING THE RECOMMENDATIONS PRESENTED IN
REFTEL BY USEEC, WE SUGGEST THE DEPARTMENT CONSIDER
THE FOLLOWING REGARDING THE FRENCH VIEWS ON PHYSICAL
SECURITY OF NUCLEAR MATERIALS. WE URGE THAT THE

DEPARTMENT'S DECISION NOT PLACE THE USG ON ONE SIDE
OR THE OTHER IN THE CURRENT DEBATE ON THE COMPETENCE
OF THE EC IN NUCLEAR PHYSICAL SECURITY MATTERS.

2. THE US PROPOSED DRAFT CONVENTION ON PHYSICAL
SECURITY OF NUCLEAR MATERIALS HAS BEEN DISCUSSED IN
VIENNA UNDER IAEA AUSPICES. THE DRAFT CONVENTION
IS ALSO THE BASIS OF A CASE BROUGHT BY BELGIUM TO THE
COURT OF JUSTICE IN LUXEMBOURG WHEREIN THAT GOVERN-
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MENT CONTENDS THAT THE EC SHOULD BE PARTY TO THE
CONVENTION BECAUSE IT CONCERNS THE FLOW OF NUCLEAR
MATERIALS AMONG MEMBER STATES (ARTICLE 4). FRANCE
IS OPPOSED, CONTENDING THAT THE PHYSICAL SECURITY OF
NUCLEAR MATERIALS IS A MATTER FOR GOVERNMENTS AND IS
NOT A SPECIFIC RESPONSIBILITY OF THE EC (EURATOM).

3. THE FRENCH AGREE THAT THE COMMERCIAL ASPECTS OF THE FLOW OF NUCLEAR MATERIALS WITHIN THE COMMUNITY IS A COMMUNITY MATTER. HOWEVER, THE FRENCH BELIEVE

THAT PHYSICAL SECURITY AND NON-PROLIFERATION ASPECTS OF NUCLEAR MATERIALS AND TECHNOLOGY IS A MATTER OF NATIONAL COMPETENCE ONLY BECAUSE IT PERTAINS DIRECTLY TO NATIONAL DEFENSE AND NATIONAL SECURITY INTERESTS. THE FRENCH BELIEVE THAT ANY ENLARGEMENT OF THE RESPONSIBILITIES OF THE COMMUNITIES IN THE NUCLEAR FIELD INTO THE AREA OF PHYSICAL SECURITY WILL EVENTUALLY LEAD TO THE UNACCEPTABLE SITUATION OF THERE BEING NO DIFFERENCE WITHIN THE COMMUNITY BETWEEN NUCLEAR AND NON-NUCLEAR WEAPON STATES. THUS THE FRENCH ARE OPPOSED TO THE BELGIAN PROPOSAL THAT THE EC BE PARTY TO THE DRAFT CONVENTION. IT IS OUR UNDERSTANDING THAT SHOULD THE COURT OF JUSTICE IN LUXEMBOURG FOLLOW ITS NORMAL PATTERN AND DECIDE IN FAVOR OF ENLARGING THE COMPETENCE OF THE COMMUNITIES THAT FRANCE WILL COMPLY WITH THE COURT DECISION BY NO LONGER BEING A PARTICIPANT IN THE DEVELOPMENT OF THE CONVENTION AND WOULD RESORT TO VETOING ANY ACTIVE EC PARTICIPATION IN THE DEVELOPMENT OF THE CONVENTION.

4. THE REFTTEL PROPOSES THAT EURATOM OBTAIN ASSURANCES FROM MEMBER STATES. WE ARE MOST CERTAIN THAT IF THE CONFIDENTIAL

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GOF WAS ASKED BY EURATOM FOR SUCH ASSURANCES TO BE PASSED TO THE USG THAT FRANCE WOULD REFUSE, STATING THAT IT IS CLEARLY NOT WITHIN THE COMPETENCE OF EURATOM TO BE CONCERNED WITH PHYSICAL SECURITY ASPECTS OF NUCLEAR MATERIALS. ALSO, FOR THE USG TO APPROACH THE MEMBER STATES THROUGH EURATOM, KNOWING FULL WELL THE CURRENT DISPUTE ON THIS ISSUE, WOULD BE MOST EMBARRASSING FOR THE FRENCH AND AND NOT HELPFUL TO OUR BILATERAL RELATIONS WITH THE FRENCH.

5. IN THIS MATTER, IT IS OUR VIEW THAT USG IMMEDIATE INTERESTS ARE BEST SERVED BY MINIMIZING THE DELAY INVOLVED IN OBTAINING ASSURANCES FROM THE MEMBER STATES: IN PURSUIT OF THE RELIABLE SUPPLIER CONCEPT ENDORCED AT THE RECENT BONN SUMMIT. THIS OBJECTIVE WOULD APPEAR TO BE BEST MET BY INFORMING ALL CAPITALS AND THE EC OF

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O R 201532Z JUL 78

FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 5060

INFO ALL EC CAPITALS IMMEDIATE

AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 02 OF 02 PARIS 22869

WHAT THE USG NEEDS TO RECEIVE AND THAT IT WOULD WELCOME RECEIPT OF SAME DIRECTLY OR THROUGH THE EC OR ANY COMBINATION THEREOF AS MAY BEST SUIT THE VIEWS OF THE MEMBER STATES. THIS APPROACH IS CERTAINLY NOT IN LINE WITH GOF INTERESTS; THE FRENCH ARGUE THAT ONLY CAPITALS ARE COMPETENT TO RESPOND. THIS APPROACH DOES NOT ASSIST THE EC IN ITS EFFORTS TO EXPAND ITS COMPETENCE IN THIS AREA. HOWEVER, AS THE US AND THE UK HAVE ALREADY EXCHANGED ASSURANCES, AND, WE ARGUE, THE US SHOULD NOT FAVOR EITHER SIDE IN THIS MATTER, WE SUGGEST THIS APPROACH AS THE MORE PRACTICAL AND BEST MEETING USG INTERESTS.

6. WHEN IT COMES TO WHAT THE GOF WILL SAY TO THE USG IN THIS MATTER, WE HAVE YET ANOTHER FUZZY MATTER. THE GOF WILL SAY THAT IT WILL MAINTAIN DOMESTICALLY WHAT IT REQUIRES AS A SUPPLIER TO OTHERS - THE OBLIGATION UNDER THE LONDON SUPPLIERS GUIDELINES.

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THE GOF WILL NOT STATE THAT IT WILL LIVE BY IAEA

DOCUMENT INF. 225 (REV 1) AS IT CONSIDERS THAT

DOCUMENT THE PRODUCT OF A GROUP OF EXPERTS AND NOT

WORTHY OF ANY SPECIAL RECOGNITION. THAT BEING SAID,
THE GOF HAS INFORMALLY ADVISED US THAT IT IS MEETING
AND WILL CONTINUE TO MEET OR EXCEED STANDARDS EQUIVA-
LENT TO THOSE IN THE IAEA DOCUMENT.
HARTMAN

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